

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY**

SEAN W. WELCH,

Petitioner,

v.

CIVIL ACTION NO. 5:23-cv-00347

WARDEN KATINA HECKARD,

Respondent.

**ORDER**

Pending is Respondent Warden Katina Heckard's Motion to Dismiss [Doc. 7], filed June 7, 2023. This action was previously referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Eifert filed her PF&R on September 19, 2023. Magistrate Judge Eifert recommended that the Court grant Warden Heckard's Motion to Dismiss, deny Petitioner Sean W. Welch's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 and Motion for Statutory Interpretations, and dismiss this action.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*" (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically "appeal a magistrate judge's


findings that were not objected to below, as § 636(b) doesn't require de novo review absent objection."); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on October 6, 2023. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 10**], **GRANTS** the Respondent's Motion to Dismiss [**Doc. 7**], **DENIES** the Petitioner's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 and Motion for Statutory Interpretations [**Docs. 1 & 2**], and **DISMISSES** the matter.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: October 18, 2023



  
Frank W. Volk  
United States District Judge